

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SAMUEL ORTEGA, and
REBECCA SCOTT,**

Plaintiffs,

vs.

No. 1:24-cv-00471-JB-SCY

**MICHELLE LUJAN GRISHAM, in her
official capacity as Governor of the State of
New Mexico, and RAÚL TORREZ, in his
official capacity as Attorney General of the
State of New Mexico,**

Defendants.

**GOVERNOR LUJAN GRISHAM'S UNOPPOSED
MOTION FOR SUPPLEMENTAL BRIEFING**

Defendant Governor Michelle Lujan Grisham, by and through her counsel of record, hereby moves for this Court to allow the parties to submit supplemental briefs addressing the Supreme Court's June 21, 2024, decision in *United States v. Rahimi*, 602 U.S. ___, 2024 WL 3074728 (U.S. June 21, 2024). In support thereof, the Governor states as follows:

1. On May 15, 2024, Plaintiffs filed the instant action against challenging New Mexico's newly enacted waiting period law, NMSA 1978, § 30-7-7.3 (2024), on the basis that it allegedly violates the Second Amendment. [Doc. 1]
2. In addition to seeking declaratory and permanent injunctive relief, Plaintiffs moved for a temporary restraining order and preliminary injunction. [Doc. 2]
3. Defendants filed their response to Plaintiffs' motion on June 4, 2024. [Doc. 15]
4. Plaintiffs filed their reply on June 18, 2024. [Doc. 21]

5. Three days later, the Supreme Court issued *Rahimi*, 2024 WL 3074728, a 103-page opinion upholding the constitutionality of 18 U.S.C. § 922(g)(8) in which it addresses lower courts’ “misunderst[anding of] the methodology of [the Court’s] recent Second Amendment cases[.]” *Rahimi*, 2024 WL 3074728, at *6.

6. Although the parties will have the opportunity to present argument on the motion at a hearing set for June 27 and 28, the Governor believes the Court will benefit from supplemental briefing from the parties on *Rahimi*’s impact on this Court’s Second Amendment analysis. [Doc. 10]

7. Supplemental briefing will not significantly delay the Court’s ability to decide Plaintiffs’ motion for a preliminary injunction.

8. The parties do not oppose this motion.

WHEREFORE, for the foregoing reasons, the Governor respectfully requests that the Court allow the parties to submit supplemental briefs of no more than fifteen pages addressing *Rahimi*’s impact on the Court’s Second Amendment analysis on or before July 1 and response briefs of no more than ten pages on or before July 8, or any other timeline that is acceptable to the Court.

Respectfully submitted,

/s/ Holly Agajanian

HOLLY AGAJANIAN

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CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2024, I filed the foregoing via the CM/ECF filing system, which caused all counsel of record to be served by electronic means.

Respectfully submitted,

/s/ Holly Agajanian
Holly Agajanian